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Amendment No. 1 to SB2899

**Haun
Signature of Sponsor**

AMEND Senate Bill No. 2899*

House Bill No. 3051

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-50-505, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)(1) The department may, upon receiving evidence sufficient to establish that a licensed driver is incompetent or otherwise not qualified to be licensed, upon written notice of at least twenty (20) days to the licensee, require such driver to submit to a driver license examination and/or submit any other information deemed appropriate by the commissioner. The department shall take action as may be appropriate and may suspend the license of such person or permit such driver to retain such license, or may issue a license subject to restrictions as permitted under § 55-50-331(d) and (e). Refusal or neglect of the licensee to submit to such examination shall be grounds for suspension of the driver license.

(2) The department shall have evidence sufficient to believe that a licensee is incompetent or unqualified to retain a driver license on the basis of, but not limited to, a written report by:

(A) Any duly certified peace officer, sheriff or member of the Tennessee highway patrol;

(B) Any physician, physical therapist, occupational therapist, chiropractic physician, registered nurse, psychologist or social worker duly licensed by the state of Tennessee; or

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(C) Any member of the licensee's family, or spouse.

Any report submitted to the department pursuant to this subdivision shall state that the person reasonably and in good faith believes that the licensee cannot safely operate a motor vehicle and must be based upon personal observation or physical evidence which shall be described in the report, or the report shall be based upon an investigation by a law enforcement officer.

(3) Any physician, physical therapist, occupational therapist, chiropractor, registered nurse, psychologist or social worker duly licensed by the state of Tennessee, may report to the department any patient diagnosed or assessed as having a disorder or condition that may prevent such person from safely operating a motor vehicle. Such report shall state the diagnosis or assessment and whether the condition is permanent or temporary. The existence of a physician-patient relationship shall not prevent the making of a report by such medical professionals. Such report shall constitute evidence sufficient to believe that a licensee is incompetent or unqualified to retain a driver license.

(4) There shall be a presumption that any person who makes a report in good faith pursuant to the provisions of this subsection shall not be subject to civil liability or professional licensure sanction. All reports made and all medical records reviewed and maintained by the department of safety under this subsection shall be treated as confidential

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except in compliance with a subpoena or an order of a court of record,
except the reported person or their representative shall have access to
the records.

(5) The department shall keep records and statistics of reports
made and actions taken against driver licenses under this subsection.

(6)(A) The commissioner shall provide health care professionals
and law enforcement officers with information about the procedures
authorized in this subsection.

(B) The commissioner is authorized to promulgate rules
and regulations to effectuate the purposes of this subsection. All
such rules and regulations shall be promulgated in accordance
with the provisions of Tennessee Code Annotated, Title 4,
Chapter 5.

(C) The guidelines and regulations implementing this
subsection shall be in compliance with the federal Americans with
Disabilities Act of 1990.

(7)(A) Any person who knowingly violates a confidentiality
provision of this subsection, or who knowingly permits or encourages the
unauthorized use of a report or reporting person's name in violation of this
subsection, shall be guilty of a Class A misdemeanor and shall be liable
for any actual damages.

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(B) Any person who intentionally presents a false report under this subsection shall be guilty of a Class A misdemeanor and shall be liable for any actual damages received, including attorneys fees.

SECTION 2. Tennessee Code Annotated, Section 10-7-504(a), is amended by designating the existing language of subdivision (12) as item (A) and by adding the following language as item (B):

(B) All reports made and all medical records reviewed and maintained by the department of safety pursuant to Section 1 of this act shall be treated as confidential except in compliance with a subpoena or upon order of a court of record, however, the reported person shall have access to the records.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 2000, the public welfare requiring it.